

CANBY CITY COUNCIL  
WORKSHOP  
MAY 2, 2001

PRESENT: Mayor Terry Prince, Council members Walt Daniels, Shirley Strong, Patrick Johnson, and Teresa Blackwell, City Administrator Mark Adcock, Finance Director Chaunee Seifried, Ron Berg, David Howell, and Auditor Kenneth Kuhns.

Mayor Prince called the session to order at 6:31 p.m. A light dinner was served.

The Council met in workshop session with Kenneth Kuhns, Auditors of record for the City to discuss the Financial Audit for FY 1999-2000.

Mayor Prince adjourned the session at 7:22 p.m.

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CANBY CITY COUNCIL  
REGULAR SESSION  
MAY 2, 2001

Mayor Terry Prince presiding. Council members present Walt Daniels, Patrick Johnson, Shirley Strong, and Teresa Blackwell. Also present: City Administrator Mark Adcock, City Attorney John Kelley, Recreation Services Director Beth Saul, Finance Director Chaunee Seifried, Community Development Director Jerry Pineau, Police Chief Jerry Giger, Lt. Ken Pagano, Sgt. Brian Howarth, Sgt. Greg Kroeplin, David Howell, Marty Moretty, Planning Director John Williams, Associate Planner Clint Chiavarini, Irene Breshears, Robin Adcock, Teola Parsell, Leonard Walker, Ron Berg, John Dewar, J.R. Jan Roskott, Katherine Barich, Steven Amick, Lee Leighton, Donna Borges, Nancy Wilmes, Ted Kunze, Ron Yarbrough, and Jim Hostetler.

Mayor Prince called the regular session to order at 7:32 p.m., followed by the opening ceremonies.

**PROCLAMATIONS:** National Food Drive Day - John Dewar on behalf of the local Canby Post Office, thanked Council once again for their support and accepted the proclamation from Mayor Prince and stated that on Saturday, May 12, 2001, local letter carriers will be collecting non-perishable food items placed by mailboxes. This food drive will be in conjunction with St. Vincent DePaul's local food bank which has been opened up for people to pick out their food in the same manner as in a grocery store. The food bank personnel are also delivering food to people who could not otherwise come in. Local postal carrier Irene Breshears collected goods from the Mayor and Council as a kick-off prior to the collection day. Mayor Prince appreciated the fact that mail carriers on their routes can identify people in need and thereby able to assist.

National Poppy Month - Teola Parsell, President of the Canby American Legion Auxiliary Post 122, accepted the proclamation from the Mayor and said that the wearing of the poppy represents tribute to the disabled veterans and those who have lost their lives in service. Contributions to the Auxiliary's poppy sale go towards the children and youth of the Canby community and towards the rehabilitation and care of veterans.

Mayor Prince thanked Ms. Parsell and also all the Legion does in and for the community.

Ms. Parsell stated that there would be donation cans located in the Legion and several local businesses, and the Auxiliary's junior group would be also distributing them in the community.

Law Enforcement Memorial Day and Week - Chief Jerry Giger urged all citizens of Canby to honor the good work and public service delivered by the men and women of the Canby Police Department on this special day. This is the only civilian memorial in Washington, D.C. recognized by the Federal government. There are two in Oregon, one in Monmouth at the Oregon Police Academy and the Portland Police Memorial located at the west end of the Hawthorne Bridge on Front Street. Sgt. Howarth and Sgt. Kroeplin were on hand to accept the proclamation from the Mayor on behalf of the Canby Police Department.

Mayor Prince also mentioned the neighborhood meeting in north Canby in response to some burglaries in that area and appreciated the fact that several police officers attended, as well as Lt. Pagano. They went out of their way to help citizens in need and their efforts are much appreciated.

**CITIZEN INPUT ON NON-AGENDA ITEMS:** Keith Stewart, a Canby resident, related an incident that speaks to the willingness of the Canby Police force to get involved. Officers Deason, Mead, and Sommer responded to a domestic disturbance that Mr. Stewart witnessed and as the first to arrive at the incident, Officer Deason entered the scene not knowing what he would find on the other side of the door. He placed his personal safety aside as he entered and put someone else's life before his own. Mr. Stewart considered this a real act of bravery and knew that this was part of his job and the officer would shun the limelight. He would feel it appropriate for the Council to recognize this personal act of courage by Council commendation.

Councilor Johnson asked what the appropriate procedure should be and Mayor Prince asked Chief Giger if he could work on this. Chief Giger responded that the Department has a Commendable Incident process and would prepare this for the Mayor and Council's signature. This is a recognized process for commendation of officers through the department. The Mayor and Council felt that this would be very appropriate at this time.

**CONSENT AGENDA: \*\*Councilor Strong moved to adopt the consent agenda: minutes of the regular meeting, April 18, 2001; and accounts payable in the amount of \$115,752.65. Motion seconded by Councilor Johnson and passed 4-0.**

**COMMUNICATIONS:** None.

**NEW BUSINESS:** Acceptance of Fiscal Year 1999-2000 Financial Audit - City Administrator Mark Adcock introduced Kenneth Kuhns of Kenneth Kuhns & Co., the City's independent auditing firm. The audit report was reviewed prior to the meeting in the workshop session.

Mr. Kuhns stated that two documents were issued, an audit report along with a management letter with recommendations. The audit report contains detailed financial information which was reviewed at the workshop and he presented the results of the audit. It indicates that City management has the responsibility of keeping the financial records and they, as independent auditors, have the responsibility to audit, verify, and challenge that financial information before it is included in the audited financial statements. Generally accepted auditing standards were followed and the audit opinion was expressed as follows:

"In our opinion, the combined financial statements referred to above present fairly, in all material respects, the financial position of the City of Canby, Oregon as of June 30, 2000, and the results of its operations and the cash flows of its proprietary fund types for the year then ended in conformity with generally accepted accounting principles."

He stated that this was an unqualified and clean opinion on the City's financial statements and that the data that was contained within the audit could be relied upon.

Councilor Daniels commended Financial Director Chaunee Seifried for all of her effort, hard work and many long hours in these difficult budget times and with the change in software. The Mayor and the rest of the Council commended her also.

**UNFINISHED BUSINESS:** None.

**ORDINANCES & RESOLUTIONS:**

Ordinance 1068 -

**\*\*Councilor Strong moved to adopt Ordinance 1068, AN ORDINANCE APPROVING A LOCAL AMENDMENT TO THE STATE UNIFORM BUILDING CODE TO REQUIRE AUTOMATIC SPRINKLER SYSTEMS IN ALL MULTI-FAMILY OCCUPANCIES OVER ONE STORY IN HEIGHT, AND DECLARING AN EMERGENCY on second reading. Motion was seconded by Councilor Johnson and passed 4-0 by roll call vote.**

Ordinance 1069 -

**\*\*Councilor Strong moved to adopt Ordinance 1069, AN ORDINANCE AUTHORIZING THE PURCHASE OF 800 MHZ RADIOS FOR THE CANBY POLICE DEPARTMENT;**

**AND DECLARING AN EMERGENCY on second reading. Motion seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1070 –

Staff Report - Associate Planner Clint Chiavarini said that he would review the Planning Commission's record and that in this situation the Council would not be taking any new testimony. They would be able to ask any questions of the applicant, staff, or anyone who was of record from those proceedings.

This concerns a three acre parcel which was annexed at the same time as the Wright's Nursery annexation in 1997. One was developed as Blair Commons and the other was not developed and has remained vacant since that time. Several months ago, the Planning Department received an application for subdivision of that property but in order for that subdivision to be allowed, a zone change and comprehensive plan amendment would be required to change the zoning from a R-1 (low density residential) to R-1.5 (medium density residential). The change is essentially a 7,000 sq.ft. lot size (R-1) to a 6,000 sq.ft. lot size (R-1.5). Blair Commons at the time it was developed was also changed from a mix of mostly R-1 and some R-2 to R-1.5. At that time in Planning Commission discussions, this property was even referred to as Blair Commons Phase 2 because it matches so well as lot size, shapes and layouts, with what is already in Blair Commons.

The Planning Commission voted to recommend this zone change and comp plan amendment to Council based on the subdivision that was presented and on the appropriateness of matching lot sizes to what currently borders the property on two sides.

**\*\*Councilor Daniels moved to adopt Ordinance 1070, AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON AND THE COMPREHENSIVE PLAN MAP DESIGNATION FOR TAX LOT 400 OF TAX MAP 4-1E-03BB be posted and come up for final reading on May 16, 2001. Motion seconded by Councilor Strong and passed 4-0 on first reading.**

Mayor Prince said that according to the buildable lands survey there is plenty of R-1 residential and this would go a small way to make up the deficit of R-1.5

Councilor Johnson stated that he did not see a traffic study in the materials presented and asked about the intersection at Redwood and Township. Mr. Chiavarini stated that the traffic site problems have been remedied and there have been no accidents since the improvements have been made at the intersection. Several accidents had occurred at the intersection but with the removal of vegetation and the re-striping of the stop bars, those problems have not reoccurred.

Councilor Johnson asked if the traffic study had been redone or was the old one being used for this. Mr. Chiavarini said that the traffic study was completed after the stop bars were moved but



prior to the vegetation being removed, and typically the traffic study mainly looks at incidents at the intersection but do give some consideration to the general intersection layout and no incidents have come through dispatch recently.

Councilor Daniels said that this came up through the Traffic Safety Committee and the traffic study bore out that a four-way stop would not be warranted at that intersection because of the schools, etc. Hopefully, with the vegetation cut, the problems had been alleviated.

Councilor Johnson clarified that the traffic study he was referring to did have a comment that there had been no accidents there for the last three years and he knew that a citizen had shown that there had been and he wanted to make sure that the information that this was being based on was correct. Mr. Chiavarini said that after that citizen had called it to their attention, they had checked with C-Com to confirm the citizen's information.

Mayor Prince stated that this ordinance will come up for second reading on May 16, 2001 so anyone with comments is welcome to speak at that meeting and he also requested that intersection continue to be monitored.

#### Resolution 750 -

City Administrator Adcock said that this represents the culmination of many hours of hard citizen volunteer work as well as staff work. This resolution would adopt the Canby Transit Plan and authorize the City to make their application to withdraw from Tri Met. There is also information provided by Mr. Williams relating to different financial scenarios.

Planning Director John Williams restated that this was the culmination of a lot of work by a lot of people. The support for the transit plan has been very broad based and everyone is aware of the level of commitment that has been put into the effort.

Referring to the transit plan, he proceeded to outline and clarify the plan step by step and was encouraged by Mayor Prince to do so for the citizens and viewing audience to have a chance to hear.

Canby is currently served by Tri Met and it is funded largely by payroll tax. If the City applies before August 1, 2001, it has an opportunity to withdraw from the Tri Met District, capture the payroll taxes that Tri Met currently assesses, and create its own transit service. The criteria that Tri Met will use to judge our application is whether they believe the withdrawal will benefit the citizens of Canby and will benefit the rest of the Tri Met District. In the plan, the City has tried to demonstrate what our goals and objectives are in providing transit service and how we would go about improving that service. It describes a number of services that would be provided if the financing were available. The key ingredient is that the City does not have an accurate tally of what the financing will be at this point. We have initiated that study with Tri Met and Tri Met is

working on providing that number to us. The plan is based on a number that is used as a target, picked through very general information based on Clackamas County payroll, and Canby's assumed percentage of that payroll. It will take Tri Met at least one month to come up with a more precise number. They need to start with information after driving Canby streets, then take that data and combine with information from the Oregon Dept of Revenue, Oregon Dept of Employment, and figure out what percentage of Tri Met revenue is coming from Canby. It is not something that is just broken down by zip code.

Essentially, this plan is based on a number and as the process goes forward, get a detailed estimate of what the number is and when it is available, the City will have an opportunity to revise the plan based on that number. Tri Met staff has assured Mr. Williams that if the City submits the plan now, we still would have the flexibility after their study is completed, to alter or make amendments based on what the financing number is.

The Mayor added that the number is hard to figure because Tri Met numbers are not broken down by City and is hard for them to calculate how much one location brings into the system.

Mr. Williams agreed and gave the example that Fred Meyer would send Tri Met one quarterly check and it would be the responsibility of Tri Met to figure out how much of that revenue came from Canby. \$640,000 was the number used to create the transit plan. Based on that number, we could greatly increase the amount of service to the citizens of Canby. The Oregon City commuter service could be expanded to late at night and on the weekends, and a local shuttle around town that would serve as a funnel to local businesses and the Oregon City routes. It would reach every point in Canby within one hour and would come to downtown Canby three to four times an hour. This will be a real boon for local businesses, businesses along the highway, and industrial areas. A map provided showed where the transit system would go within easy walking distance covering virtually every point in Canby. A quarter mile is the distance used by transit planners when trying to figure out how far people will go to catch a bus. Many places that people would want to go such as the Senior Center, HOPE Village, businesses, and apartment complexes, are specifically on the proposed routes.

The Mayor asked that a copy of the proposed transit system bus routes be published in the newspaper. Mr. Williams also added that the local shuttle would run on the same hours as the Oregon City bus so would provide a feeder service for the bus and would be running during local business hours.

Mr. Williams also referred to two other options that had been considered. One was to provide service to Wilsonville and in the process of our planning, Wilsonville applied for state grant funding to provide service to Canby. If Wilsonville receives the grant, it will allow that portion of our funding to be focused elsewhere. Secondly, Molalla applied for similar funding to start a service from Canby to Molalla so if these happen, there will be a great expansion of transit

service in the area. The grants will be for two years for \$250,000 per year, so down the road ways will need to be looked at to keep the services going if the grant money should fall away.

Councilor Daniels noticed that there were no fare boxes in the proposal and Mr. Williams replied that was correct. They were not proposed at this time and could be an option down the road if the revenue didn't add up to what was needed. Fares are a double-edged sword; it costs money to collect money. The fare box itself costs \$2,000, then it needs to be tracked and collected, extra time at stops and discourages some people from getting on the bus. Wilsonville and Sandy provide fareless service and this is the intention of Canby's plan at the outset. If the revenues fall short, fares might then need to be looked at to make up a shortfall. People who are using the bus now need to continue to receive comparable service and if fares were charged, they would get charged again when they reached Oregon City.

Councilor Daniels also asked about a Salem route and Mr. Williams felt that we needed to get the service to Wilsonville and then they could be hooked into Salem. Under the *Future Service Options* in the transit plan, there was a whole page of ideas that people would like the bus service to reach - direct service to Sunnyside Kaiser, Willamette Falls Hospital, airport, Blazer games, Woodburn and Barlow, etc. At this time, services were prioritized and the main things went into the plan and the others can be added if more funds become available. What has been proposed at this time, is the upper limit of what the City will be able to provide and the reality may be slimmer.

Mayor Prince added that the wheelchair service will be included and probably contracted out. Mr. Williams stated that Tri Met would probably not approve the plan without that service included. A lower level of service that is anticipated is that riders would need to transfer to a different bus when reaching Oregon City; people are accustomed to riding one bus all the way to downtown Portland. Sandy has done it successfully with good scheduling and Tri Met has had no complaints from residents who have not been able to make bus connections. Sandy has made a commitment that if their bus doesn't arrive on time, they will hire a cab to get people where they need to go. It is that guarantee to service that has convinced Tri Met to allow other cities to opt out. Our basic level of guaranteed service is to maintain bus service to Oregon City, and maintain "the lift" or handicapped service.

This opportunity to withdraw from Tri Met expires on August 1, 2001 and the next opportunity is in five years. By that time, this city will probably be over the size that is allowed to withdraw. Over time, it is anticipated that there will be more employment growth compared to population growth as the industrial area gets developed and as downtown becomes revitalized. Planning documents foresee more of a balance between employment and housing in Canby, so the service will grow as Canby grows and diversifies.

Mayor Prince expressed thanks to Rep. Kurt Schrader for helping get legislation passed that would give cities of our size an opportunity to withdraw.

Mr. Williams said that it is hoped that when the revenue study is completed, there will be the revenue to provide equal if not better level of service than we are getting now from Tri Met. If the revenues come out low, we will need to make a decision how to proceed with the application. That number will be coming in late May, possibly June. If the numbers aren't there, Tri Met has assured that there will be an opportunity to withdraw the application.

Councilor Daniels stated that he and Scott Taylor testified in Salem last year. The representative from Tri Met testified in Canby's favor as long as the City could provide equal or better service. Equal service would include the lift which is of concern to the Adult Center and HOPE Village.

When Canby withdraws, for instance, Tri Met loses that revenue and gets an automatic increase spread over the rest of their district, actually providing less service for the same amount of money. When Sandy withdrew, Tri Met's tax rate went up to the rest of the District. So, it's a low risk guarantee for them and that is probably why the legislation was adopted. If Tri Met were losing revenue, they would probably have a different take on the process.

He then moved to a discussion about the process. The plan draws out what state law specifies in the application and although it just requires the formal letter, it needs to be demonstrated to Tri Met that Canby can provide good transit service. All the information in the plan merely shows them that careful detailed planning has gone into it and that we understand the elements that go into a good system. Within five days of submittal, Tri Met needs to file the petition and signatures with the County Clerk for verification. Mr. Williams is confident that there are enough valid signatures. Signatures appear to be over the required amount by about sixty.

After the County certifies the signatures, Tri Met then must do a study within 70 days of signature certification, to look at all of the issues including the revenue side. Then a hearing must be scheduled within 90 days. More hearings can be held but a final decision has to be made by December 31, 2001. The withdrawal takes effect on the first day of January following the date which is 30 days after an ordinance is adopted. So, an ordinance any time after December 2<sup>nd</sup> would cause the withdrawal not to take place until January 1, 2003. They have assured us that they will get the hearing done in time to start service in 2002. Both the City and the Tri Met Board could string out the process; they would probably work with us if we needed an extra year, as they did with Sandy.

Mayor Prince asked Council if it was still their intention to shoot for start-up of service for January 1, 2002 and Council concurred. Mr. Williams stated that the scramble would be on if Tri Met did not give the notice until late summer or early fall, that we would want to rethink the logistics of starting up in 2002.

Mr. Williams referred to Appendix D, which provided scenarios of what could be done depending on the revenue. Even at \$325,000, Canby could provide expanded service but below that number, things would need to be re-evaluated. He did feel that the \$640,000 was very

optimistic and that it would fall somewhere between the two numbers. Revenue is a question mark right now and that we will not know what we can do until those numbers come in.

Councilor Johnson stated for clarification if Tri Met comes back with a number that is below \$325,000, we could withdraw the application. Mr. Williams said that was correct or there could be more investigation on how to fund a low budget transit service, what can be done to cut costs. He will soon be getting a much better estimate from service providers and will hopefully have those numbers by the time that the revenue numbers come back. No matter what happens as a result of this process, good things have come out of it - many people have been involved and awareness has been heightened about transit service.

Donna Borges thanked all those involved in the committee and to all the citizens who came to the first public meeting. The hope is to create a permanent advisory committee and there will be a closure celebration on May 31, 2001 at 7 p.m. at the Canby Adult Center. She also thanked John Williams and Jerry Pineau for all of their work.

Councilor Blackwell asked Ms. Borges to read the names of the members of the Task Force: Barb Kirwan, Steve Allen, Tim Austen, Barbara Austin, Nathan Clayton, Mary Cooper, Bev Doolittle, Brenda Durban, Dave Eatwell, Sam Flaherty, Curtis and Lila Gottman, Philip Groeltz, Scott Gustafson, Brett Kitter, Mary Leichty, Doris Mathis, Caroline McFarland, Oscar Montebianco, Chris Muller, J.E. Jan Roskott, Laurie Sandsness, Dave Sargent, Joan Seely, Ann Skoe, Jean Tallman, and Donna Borges.

Mr. Williams concluded by saying that the resolution and a letter of support from Mayor and Council needed to accompany the application to the Tri Met Board.

**\*\*Councilor Blackwell moved to adopt Resolution 750, A RESOLUTION ADOPTING THE CANBY TRANSIT PLAN AND AUTHORIZING THE FILING OF AN APPLICATION TO WITHDRAW FROM THE TRI-COUNTY METROPOLITAN TRANSIT DISTRICT OF OREGON (TRI-MET). Motion seconded by Councilor Strong and passed 4-0.**

Councilor Daniels stated that the Mayor and Council concurred that it should be filed as soon as possible. At this time, Mr. Williams had the Mayor and Council sign the letter of support. The Mayor felt that this was the first phase in the redevelopment of downtown.

Councilor Johnson thanked all the people who gathered the signatures and all the night meetings that they attended, it was greatly appreciated.

**MANAGERS' REPORT:** City Administrator Adcock publically thanked and acknowledged John Williams for his hard work in this process and his ability to convey to the public and Council a very technical process in such a way that could be understood.



**CITIZEN INPUT:** None.

**COUNCILORS' ISSUES:** Councilor Daniels asked when the best time would be to discuss an application for the "Hometown Hero Award" and Council decided to wait at such time when all Councilors could be present.

Mayor Prince referred to information they had received about placing a street light at N. Oak between 13<sup>th</sup> and 14<sup>th</sup>. The Mayor wished to refer to this to staff to come back with a recommendation. This street is particularly dark and has been a concern for a while, and the recent string of burglaries has increased the urgency of correcting the situation.

Councilor Johnson would like the Eco Park parking area to go through the Planning Commission if it comes back through the process in the future. The City did not receive the grant this time.

Recreation Services Director Beth Saul stated that there were no plans to move forward with that unless directed to do so. Mayor Prince said that Council had only authorized a \$5,000 match so that was all that was available at this time.

Councilor Johnson asked where the funds would have come from and Ms. Saul said that there was a special Eco Park line item in the budget as a result of revenue obtained from logging of the Park.

Councilor Daniels also recommended that the Eco Park parking be sent to the Traffic Safety Committee because of a pedestrian crossing that would need to be addressed. The Council concurred.

Ms. Saul asked for clarification, was the project going to be dropped for now or did they want something worked up around the \$5,000.

Council Johnson felt that they should wait and see what the aftermath of the budget would hold. He would not want to spend money on something that they might not be able to afford.

Mayor Prince wondered where this project would rank in relation to other projects such as the Ackerman Park and staff might assist in that effort. To Ms. Saul's knowledge, no one had ranked the projects and asked if it were something that they would want, the Parks and Rec Advisory Board to do or could they be matched up in the Parks Master Plan venue. From the Mayor's point-of-view, he thought it would be helpful for the committee to rank the projects.

Councilor Daniels stated that now that the County has marked the bike lanes in the Eco Park area, there will be a safety issue since the weather will turn and more people will try to park in designated bike lanes. He would encourage seeing what kind of improvements could be made for the \$5,000.



Councilor Johnson responded that there is also the same type of problem on 13<sup>th</sup> by the schools with parking along the side of the road. He felt that the Park & Rec Committee should look at low cost projects in the \$5,000 range and figure out what could be prioritized.

Councilor Daniels said that on Territorial we have the land available and on 13<sup>th</sup> Avenue, we don't.

Mayor Prince also noticed that there is no type of an ADA access on the trail and Ms. Saul concurred that there was no ADA parking although there were some neighborhoods where parking was available and could get on. She also said that there could be an option to do the next step in the Parks Master Plan, an acquisition plan, which creates guidelines in how to obtain land for parks. It would require several public meetings and explore issues such as funding parks and park acquisitions. Prioritizations of parks could possibly be dealt with at that level.

Councilor Daniels asked if the logging road down to the river were still going to be blocked off completely and Mayor Prince said he noticed that the gate has been knocked down. It still isn't officially opened, he would like to see the gate reinstalled within the week. Ms. Saul also stated that it is still undetermined if there would always be residences which would require access, or if it eventually would all become public trail land.

Councilor Johnson restated that the land for the parking at Ackerman Park was shared with the school.

The recommendation at the end of the discussion was to take the matter to the Park and Rec Board and come back to the Council. If they considered it to be of importance, they could prioritize. Ms. Saul said this issue would be discussed at the June Parks & Rec meeting.

**ACTION REVIEW:**

1. Approving Consent Agenda.
2. Approving Ordinance 1068.
3. Approving Ordinance 1069.
4. Approving Ordinance 1070 for second reading on May 16, 2001.
5. Adopting Resolution 750 and submitting withdrawal application to Tri Met.
6. Bringing commendation for public recognition of Officer Jason Deason to May 16, 2001 meeting.
7. Bringing street light recommendation to May 16, 2001 meeting.
8. Referring Eco Park parking issue to Park & Recreation Advisory Committee.
9. Fixing gate on the Logging Road.

Mayor Prince adjourned the regular session at 8:55 p.m.



Chauncey F. Seifried  
City Recorder pro tem



Terry L Prince  
Mayor



Prepared by Mary Moretti  
Office Specialist